

No. 20-55770

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ALEJANDRO RODRIGUEZ, *et al.*,

Petitioners-Appellees,

v.

WILLIAM BARR, *et al.*,

Respondents-Appellants.

JOINT MOTION TO MODIFY BRIEFING SCHEDULE

The parties respectfully request that the Court modify the briefing schedule for this appeal as follows:

- Opening brief due September 3, 2020
- Response brief due October 15, 2020
- Reply brief due November 5, 2020

There is good cause for the modification as set forth in the attached declaration by undersigned counsel. The parties propose this modified schedule to accommodate the litigation demands of other cases, pre-scheduled travel, and personal obligations. The parties are mindful of the need to avoid unnecessary requests for extensions and

have attempted to negotiate a schedule that will avoid the need for further extension requests.

In addition, as stated in the accompanying declaration of undersigned counsel, this action involves significant constitutional questions affecting the operations of the Department of Homeland Security and (“DHS”) and the Executive Office for Immigration Review (“EOIR”). Accordingly, the government requires time to analyze the preliminary injunction order and make formal appeal recommendations, which must then be acted on by the Office of the Solicitor General. Additional time is needed to complete this process.

Therefore, the parties request that the Court grant this motion and modify the schedule.

Respectfully submitted,

ETHAN P. DAVIS
Acting Assistant Attorney General
Civil Division

ERNESTO MOLINA
Deputy Director, Office of Immigration
Litigation – Appellate Section

/s/ Sarah Wilson
SARAH WILSON
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Attorneys for Appellants

Dated: August 18, 2020

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v.

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DECLARATION OF SARAH S. WILSON

I, SARAH S. WILSON, hereby declare as follows:

1. I am an attorney with the Office of Immigration Litigation, Civil Division, United States Department of Justice, and represent Respondents-Appellants in this matter.
2. Under the existing schedule, the opening brief is due on August 24, 2020, the response brief on September 21, 2020, and the reply on October 12, 2020.
3. I am requesting that the Court modify the schedule for briefing this appeal. This is the first request for a modification to the schedule in this matter.

4. There is good cause for the modification. The appeal involves significant constitutional questions and the preliminary injunction at issue is of significant importance to the parties. Accordingly, the government parties require time to make formal appeal recommendations, which must then be acted on by the Office of the Solicitor General before the appeal may proceed. The government requires ten additional days to complete this process and finalize its opening brief.

5. Undersigned counsel conferred with counsel for Petitioners-Appellees Ahilan Arulanantham regarding the schedule. The proposed schedule accounts for both parties' schedules and existing obligations.

I DECLARE under penalty of perjury that the foregoing is true and correct.

/s/ Sarah Wilson
SARAH WILSON
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Telephone: (202) 532-4700

Dated: August 18, 2020

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Appellees' counsel are registered CM/ECF users and will be served by the appellate CM/ECF system, including service upon the following counsel:

Ahilan T. Arulanantham
Zoe McKinney
ACLU FOUNDATION OF SOUTHERN CALIFORNIA
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/s/ Sarah Wilson _____
SARAH WILSON
U.S. Department of Justice